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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,666	02/09/2004	Brett Curry	5001-0435-1	9432

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EXAMINER

KLEIN, GABRIEL J

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,666

Applicant(s)

CURRY, BRETT

Examiner

Gabriel J. Klein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4, 10, 17, and 20 recite the limitation "the cylinder bores" in multiple lines. There is insufficient antecedent basis for this limitation in these claims. **For purposes of examination the instances of this limitation in claim 1, line 1; claim 10, line 6; claim 17, line 9; and claim 20, line 1 will be considered as stating "cylinder bores" instead of "the cylinder bores".**

Claims 1, 4, 5, 6, 8, and 20 recite the limitation "the cylinder" in multiple lines. There is insufficient antecedent basis for this limitation in these claims. For purposes of examination the instances of this limitation in claim 1, lines 5-6; claim 8, lines 1-2; and claim 20, lines 5-6 will be considered as stating "a cylinder".

Claims 6, 13, 15, 17, and 20 recite the limitation "the bores of the cylinder" in multiple lines. There is insufficient antecedent basis for this limitation in these claims. It is the belief of the Office that Applicant is referring to the same bores mentioned in multiple other claims, including claim 1, and referred to as "the cylinder bores". Therefore, for purposes of examination the instances in which the limitation "the bores of the cylinder" appear in an independent claim will be considered as stating "cylinder

bores" (or "the cylinder bores" if referring to one of the changes made for purposes of examination bolded above), and all other instances (those in dependent claims) will be considered as stating "the cylinder bores".

Claims 8, 10, and 17 recite the limitations "the rim of a cartridge" and "the cartridge rim" in multiple lines. There is insufficient antecedent basis for this limitation in these claims. For purposes of examination these limitations will be considered as stating "a rim of a cartridge" and "a cartridge rim", respectively.

Claims 10, 13, 14, and 17 recites the limitation "the revolver" in multiple lines. There is insufficient antecedent basis for this limitation in these claims. For purposes of examination the instances of this limitation in claims 10, line 6; and claim 17, line 9 will be considered as stating "a revolver".

Claim 8 recites the limitation "said bore" in line 7. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, this limitation will be considered as "a bore of the cylinder".

Claim 8 recites the limitation "the concave inner surfaces" in line 11. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination "the concave inner surfaces" will be interpreted as "the inner surface" so as to reference the inner surface mentioned in line 4 of the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 10, 11, 15, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Laendler (4934082).

In reference to claim 1, Laendler discloses an extractor, capable of the removal of cartridges from cylinder bores of a revolver, said extractor comprising:

- an extractor plate having a plurality of arms extending radially outward from an inner portion of the plate, said arms forming an inner surface between adjacent arms, said inner surface substantially conforming to the profile of a bore of a cylinder (figures 1 and 4, element 32);
- said inner surface having an arc length that is greater than one-half the circumference of a cartridge disposed within the cylinder bores of the revolver (column 4, lines 7-10), said inner surface contacts the rim of a cartridge (column 4, lines 20-27) and facilitates the removal of the cartridge from the bore (it should be appreciated that the cartridges remain clipped to the extractor plate at all times during loading, firing, and unloading, and therefore the extractor plate facilitates the removal of the cartridges from the bores once acted upon by the extractor star); and
- a tubular stem having an end that is mounted to said inner portion of the extractor plate (figures 1 and 2, element 16).

In reference to claim 2, Laendler discloses that the inner surface between adjacent arms is a substantially continuous curved concave surface (figure 4, element 40).

In reference to claim 6, Laendler discloses that the arms include an end portion that abuttingly contacts an inner surface of the cylinder to align the concave inner surfaces of the extractor plate with the bores of the cylinder (figures 1 and 3). It is clearly seen in figure 1 that a portion of the arms abuttingly contacts element 22.

In reference to claim 10, Laendler discloses a firearm having a cylinder, said firearm comprising:

- an extractor plate having a plurality of arms extending radially outward from an inner portion of the plate, said arms forming an inner surface between adjacent arms, said inner surface substantially conforming to the profile of a bore of the cylinder (figures 1 and 4, element 32);
- said inner surface having an arc length that is greater than one-half the circumference of a cartridge disposed within cylinder bores of a revolver (column 4, lines 7-10), said inner surface contacts a rim of a cartridge (column 4, lines 20-27) and facilitates the removal of the cartridge from the bore (it should be appreciated that the cartridges remain clipped to the extractor plate at all times during loading, firing, and unloading, and therefore the extractor plate facilitates the removal of the cartridges from the bores once acted upon by the extractor star); and
- a tubular stem having an end that is mounted to said inner portion of the extractor plate (figures 1 and 2, element 16).

In reference to claim 11, Laendler discloses that the inner surface between adjacent arms is a substantially continuous curved concave surface (figure 4, element 40).

In reference to claim 15, Laendler discloses that the arms include an end portion that abuttingly contacts an inner surface of the cylinder to align the concave inner surfaces of the extractor plate with the bores of the cylinder (figures 1 and 3). It is clearly seen in figure 1 that a portion of the arms abuttingly contacts element 22.

In reference to claim 20, Laendler discloses an extractor, capable of the removal of cartridges from cylinder bores of a revolver, said extractor comprising:

- an extractor plate having a plurality of arms extending radially outward from an inner portion of the plate, said arms forming an inner surface between adjacent arms, said inner surface substantially conforming to the profile of a bore of a cylinder (figures 1 and 4, element 32);
- said inner surface having an arc length that is greater than one-half the circumference of a cartridge disposed within the cylinder bores of the revolver (column 4, lines 7-10), said inner surface contacts a rim of a cartridge (column 4, lines 20-27) and facilitates the removal of the cartridge from the bore (it should be appreciated that the cartridges remain clipped to the extractor plate at all times during loading, firing, and unloading, and therefore the extractor plate facilitates the removal of the cartridges from the bores once acted upon by the extractor star), at least one of said arms having a convex end portion that abuttingly

- contacts an inner surface of the cylinder to align the inner surfaces of the extractor plate with the cylinder bores; and
- a tubular stem having an end that is mounted to said inner portion of the extractor plate (figures 1 and 2, element 16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mochak (5218148) in view of Philips (4543741). Mochak discloses the claimed invention except for the beveled edge on the inner surface between adjacent arms. Philips teaches that it is known to use a beveled edge as the contact point between extractor and cartridge as set forth in column 2, line 22, and figures 2 and 3, to engage the cartridge at its peripheral groove or rim. In a manner similar to Applicants, the examiner is considering the bore as starting forward of the extractor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the extractor as taught by Mochak, with the beveled edge as taught by Philips, since such a modification would provide the extractor with said beveled edge on said inner surface between adjacent arms to engage the cartridge at its peripheral groove or rim.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mochak in view of Philips and further in view of *In re Boesch*. Mochak in view of Philips

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discloses the claimed invention except for the beveled edge angle of about 60 degrees relative to the central axis of the cylinder of the revolver. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an angle of about 60 degrees for that of the beveled edge, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 6, 10, 11, 15, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed July 18, 2006 have been fully considered but they are not persuasive. In reference to claim 8, Applicant argues that the newly added limitation stating: "...said beveled edge being spaced apart from said bore when the edge is engaged with a cartridge rim..." is not disclosed by the modifying reference Philips, who teaches of a beveled edge. However, it should be appreciated that upon the extraction of cartridges, the beveled edges that are in contact with the cartridge rims are indeed spaced apart from the bores of the cylinder in that in order for said beveled edges to effect extraction they must move away from said bores.

Allowable Subject Matter

Claims 3-5, 7, 12-16, and 18-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Claim 17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

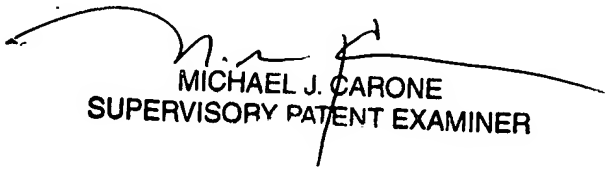
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel J. Klein whose telephone number is 571-272-8229. The examiner can normally be reached on Monday through Friday 7:15 am to 3:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GJK


MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER